

**MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK**

**FORMAL SESSION  
May 3, 2006**

The Board of Directors of the Flood Control District of Maricopa County, Arizona, convened in Formal Session at 9:00 a.m., May 3, 2006, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Don Stapley, Chairman, District 2; Fulton Brock, Vice Chairman, District 1; Andrew Kunasek, District 3 and Mary Rose Wilcox, District 5. Absent: Max W. Wilson, District 4. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Manager; Bruce White, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain

**MINUTES**

Motion was made by Director Brock, seconded by Director Wilcox, and unanimously carried (4-0-1) to approve the minutes of the meeting held March 15, 2006.

**PERSONNEL AGENDA**

Motion was made by Director Brock, seconded by Director Wilcox, and unanimously carried (4-0-1) to approve the Flood Control District Personnel Agenda (Exhibit C). Exhibit C will be found at the end of this set of minutes.

**RIGHT-OF-WAY ACQUISITION DOCUMENTS**

Motion was made by Director Brock, seconded by Director Wilcox, and unanimously carried (4-0-1) to approve easements and right-of-way acquisition documents, appraisal and relocation assistance services contracts under \$5,000 per Resolution FCD 87-12; Escrow Instructions per Resolution FCD 87-13; Payment of Tax Notices per Resolution FCD 97-07; License Procedures and Fee Schedules per Resolution FCD2002R002; and disposal of easements, excess real property and fixtures under \$250,000 documents per FCD 1999R016 for Flood Control purposes. (ADM1910)

**83rd Avenue and Pinnacle Peak Road Project (Per Resolution FCD 2001R012)**

Item FA024.043, Warranty Deed from Bruce E. Nelson and Marylou Nelson to the Flood Control District of Maricopa County for the sum of \$84,230.00.

Item FA024.043, Purchase Agreement and Escrow Instructions.

Item FA024.045, Warranty Deed from Carol L. Rita, as Trustee to the Flood Control District of Maricopa County for the sum of \$35,450.00.

Item FA024.045, Purchase Agreement and Escrow Instructions.

**Queen Creek Road Basin Project (Per: Resolution FCD 2001R003)**

Item A009.001, A009.002; Warranty Deed from the Flood Control District of Maricopa County to the City of Chandler for the sum of \$1.00 [per IGA FCD 2004A014].

**Property Management – Indian Bend Wash Interceptor (Per Resolution FCD 1999R016)**

Item S-2204-1FE, Partial Release and Extinguishment of Flowage Easement is made by the Flood Control District of Maricopa County.

**FORMAL SESSION  
May 3, 2006**

**BULLARD WASH CHANNEL IMPROVEMENTS PROJECT**

Motion was made by Director Brock, seconded by Director Wilcox, and unanimously carried (4-0-1) to approve intergovernmental agreement (IGA) FCD 2003A002 between the Flood Control District of Maricopa County and the City of Goodyear for cost sharing, rights-of-way acquisition, utility relocation, construction, construction management, operation and maintenance of the Bullard Wash Channel Improvements Project, Lower Buckeye Road to Interstate 10, Project #470. The project is estimated to cost \$15,200,000, for which the IGA provides for a 50% district and 50% Goodyear cost share. The IGA identifies that Goodyear will receive credit for rights-of-way donated by property owners to Goodyear for the project, with a maximum credit of 15% of the project cost. The district's maximum cost share is estimated to be \$9,880,000. Goodyear's anticipated cost share is estimated to be \$5,320,000. (C6906050200)

**ADDITION TO THE FLEET**

Motion was made by Director Brock, seconded by Director Wilcox, and unanimously carried (4-0-1) to approve the purchase of a new Sport Utility 4x4 Vehicle to be utilized by the Flood Control District of Maricopa County's Construction Management Branch. The total cost of the vehicle is estimated to be about \$30,000. Approval of this purchase constitutes an addition to the existing district fleet. A funding provision for the proposed vehicle acquisition is contained within the district's requested FY 2006-07 operating budget. (C6906073M00) (ADM1917)

**SALE OF EXCESS PARCEL**

Motion was made by Director Brock, seconded by Director Wilcox, and unanimously carried (4-0-1) to approve and authorize the Chairman to sign the necessary documents from the sale of excess parcel A-002.009-EX, portion of APN #102-10-005S to the City of Glendale for ~~\$477,800~~ \$475,000 (change was announced at the meeting to clarify the purchase price of \$475,000 and appraisal was \$2,800 prior to the vote). (C6906075B00) (ADM1903-002)

**MAPPING ACTIVITY STATEMENT**

Motion was made by Director Brock, seconded by Director Wilcox, and unanimously carried (4-0-1) to approve the Flood Control District of Maricopa County entering into a Cooperative Technical Partner (CTP) Agreement, Mapping Activity Statement #2 with the Federal Emergency Management Agency (FEMA) for updating the Digital Flood Insurance Rate Maps (DFIRM) for all of Maricopa County. Approve receipt of grant funds in FY 2005-06 of \$35,000 and FY 2006-07 of \$65,000. Additionally, increase the FY 2005-06 revenue and expenditure appropriations by \$35,000 each in the Flood Control Grants Fund (989), Flood Control District (690). This grant will commence on approval from the Board of Directors and will terminate on December 30, 2006. The CTP Mapping Activity Statement will provide for reimbursement from FEMA of \$100,000, which will cover the district's expenses required for the participation in updating the DFIRMs. (C6906076100)

**FLOODPLAIN DELINEATION STANDARDS**

Motion was made by Director Brock, seconded by Director Wilcox, and unanimously carried (4-0-1) to approve Intergovernmental Agreement (IGA) FCD 2006A006 between the Flood Control District of Maricopa County and the State of Arizona, Department of Water Resources, to provide \$15,000 in district funding to the State Standards Work Group to develop floodplain delineation standards. (C6906078200)

**FORMAL SESSION  
May 3, 2006**

**EL RIO WATERCOURSE MASTER PLAN**

Motion was made by Director Brock, seconded by Director Wilcox, and unanimously carried (4-0-1) to adopt Resolution FCD 2006R001, for approval of the El Rio Watercourse Master Plan (WCMP). The resolution authorizes and directs the Chief Engineer and General Manager of the Flood Control District of Maricopa County to continue discussions with all interested parties to implement and negotiate intergovernmental agreements, memoranda of understanding, cooperative agreements, and other agreements needed to facilitate implementation of the El Rio WCMP. Approval of this request will have no financial impact on the current fiscal year. (C6906079600) (ADM1915-003)

**RESOLUTION FCD2006R001  
ADOPTION OF EL RIO WATERCOURSE MASTER PLAN**

**WHEREAS**, The Flood Control District of Maricopa County (District) was established in accordance with provisions of the Arizona Revised Statutes Title 48, Chapter 21, which requires the Board of Directors of the District (Board) to identify flood problems and prepare plans such as the El Rio Watercourse Master Plan (WCMP) to eliminate or minimize flooding problems by implementing flood hazard mitigation programs within Maricopa County; and

**WHEREAS**, impending development adjacent to the Gila River, the record of historic flood events, and the increasing need to protect public safety and infrastructure from flood hazards, while accommodating the economic and social needs of the greater community, necessitate timely development of a comprehensive watercourse management strategy; and

**WHEREAS**, the Chief Engineer and General Manager of the District was authorized by Resolution FCD 2001R005 on June 20, 2001 (C-69-01-082-6-00), to negotiate and award technical service contracts for planning studies, negotiate rights-of-entry, and initiate the El Rio WCMP; and

**WHEREAS**, the District contracted with Stantec Consultants, Inc. under contract FCD 2001C024 approved by the Board on August 7, 2002 (C-69-02-083-5-00) to prepare the El Rio WCMP for a 17.5 mile long reach of the Gila River from the confluence of the Agua Fria River to the State Route 85 (SR 85) bridge (attached Exhibit A); and

**WHEREAS**, the District, in cooperation with the City of Avondale, City of Goodyear, and the Town of Buckeye, conducted the El Rio WCMP study to identify and address flood and erosion hazards in the El Rio WCMP study area, including public participation; field surveying; hydrologic, hydraulic, and sedimentation analyses; floodplain delineations; geomorphic evaluations; and environmental, visual, and recreational evaluations, including means to accommodate multiple uses desired by adjacent municipalities and other county departments and state agencies; and various means for implementation and funding of the El Rio WCMP; and

**WHEREAS**, the El Rio WCMP identified potential flood control alternatives for watercourse management including full structural, soft structural, non-structural and no-action alternatives for watercourse management, and evaluated how each alternative met the goals of the El Rio WCMP study; and

**WHEREAS**, the recommended alternative for the El Rio WCMP study area includes a soft structural levee primarily defined by the regulatory floodway that allows the watercourse to function naturally; non-structural solutions where the natural geologic features preclude the need for structural measures, including set-backs, land-use regulation, and development guidelines; and vegetation management to maintain or improve flood conveyance; and

**MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK**

**FORMAL SESSION  
May 3, 2006**

**WHEREAS**, in addition to flood control features, the recommended alternative for the El Rio WCMP outlines opportunities for wildlife habitat enhancement, open water and wetland creation, development of regional multi-use recreation amenities by others, and includes implementation and maintenance requirements; and

**WHEREAS**, the Final Recommended Alternative report, issued in March 2006, included evaluation of the proposed Maricopa County Department of Transportation (MCDOT) Cotton Lane Bridge and River Improvement Project (Cotton Lane Project) for compatibility with the El Rio WCMP and incorporates the MCDOT design elements of the Cotton Lane Project into the El Rio WCMP report documents.

**NOW, THEREFORE, BE IT RESOLVED** that the Board adopts the recommendations of the El Rio WCMP for watercourse-based flood control management; and

**BE IT FURTHER RESOLVED** that the Chief Engineer and General Manager of the District is authorized and directed to continue discussions with the City of Avondale, the City of Goodyear, the Town of Buckeye, the Buckeye Water Conservation and Drainage District, the Maricopa County Department of Parks and Recreation, the Arizona Department of Game and Fish, the United States Department of the Interior Bureau of Reclamation, property owners, mining interests, and other interested parties to determine the appropriate means to implement the El Rio WCMP and to negotiate Intergovernmental Agreements, Memoranda of Understanding, Cooperative Agreements, and any other type of Agreements to facilitate implementation of the El Rio WCMP, subject to Board of Directors approval. (C6906079600)

**DATED** this 3<sup>rd</sup> day of May 2006.

/s/ Don Stapley Chairman of the Board

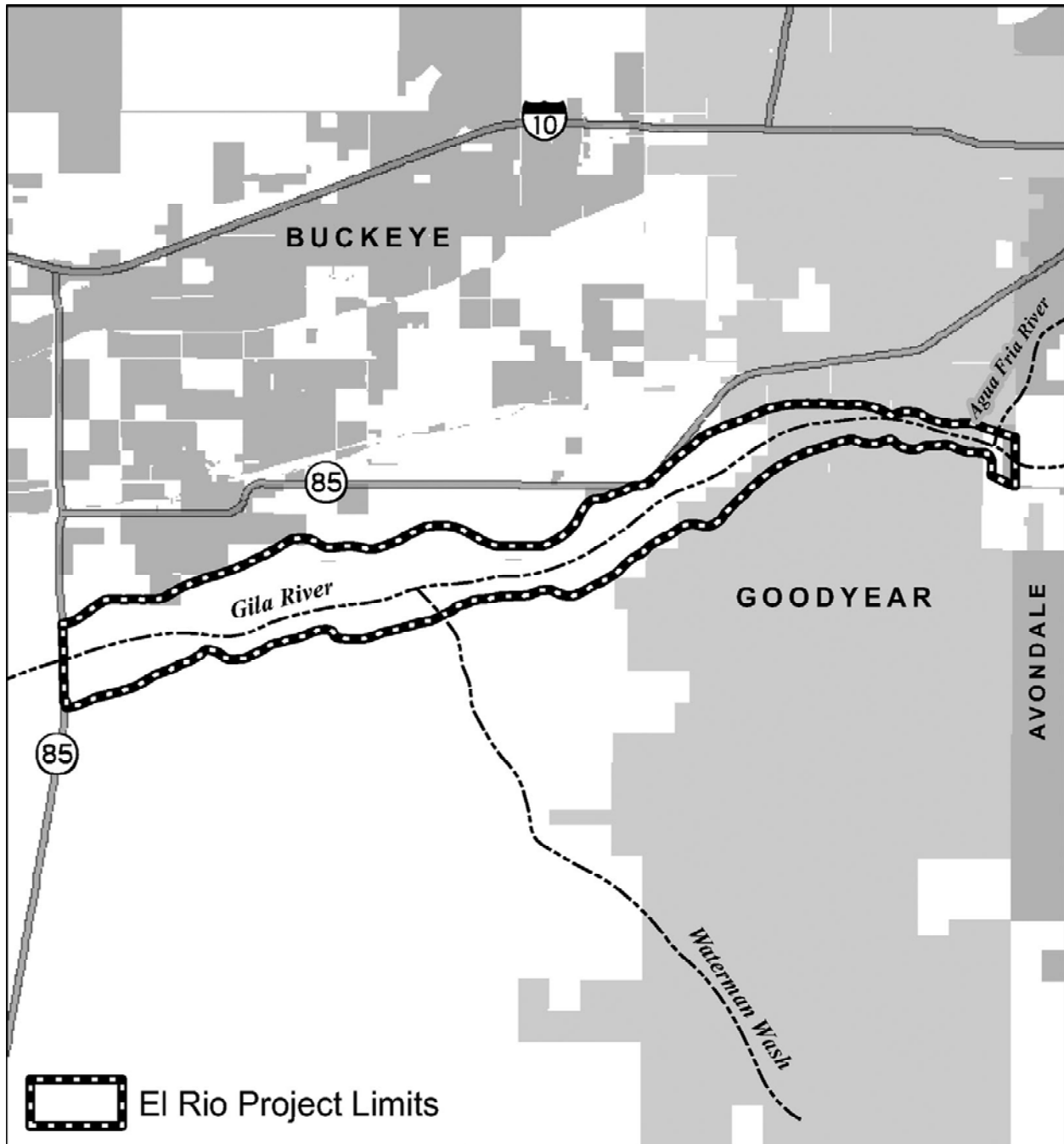
ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Enclosures: Exhibit A, El Rio WCMP Area Map

FORMAL SESSION  
May 3, 2006

## Exhibit A



**MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK**

**FORMAL SESSION  
May 3, 2006**

**EXCEPTION TO MARICOPA COUNTY EMPLOYEE COMPENSATION PLAN**

Motion was made by Director Brock, seconded by Director Wilcox, and unanimously carried (4-0-1) to request an exception to the Maricopa County Employee Compensation Plan; Section VI-Permanent Salary Advancements, granting approval of non-merit salary advancements retroactive to February 13, 2006. Steven Rubin took a deduction in pay for a position that was considered higher level of responsibility. In order to remedy this inequity, it was determined that Mr. Rubin should receive an increase for his 'promotion' retroactive to February 13, 2006. (C6906080M00) (ADM1900-001)

**SETTLEMENT OF A TUMBLING T RANCHES - CONTINUED**

Approve the Offer of Judgment in settlement of A Tumbling T Ranches v. P.I.L.P. and Maricopa County Flood Control District, CV1995-000253, in the amount of \$500,000. This item was heard in Executive Session on May 1, 2006. (C7506017100) (ADM1900-004)

This item was continued to May 17, 2006, meeting.

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

\_\_\_\_\_  
Don Stapley, Chairman of the Board

ATTEST:

\_\_\_\_\_  
Fran McCarroll, Clerk of the Board